

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STEVE HESSE, *et ano.*,

x

: Case No.: 19 Civ. 0972 (AJN)

Plaintiffs,

:
: **NOTICE OF DEFENDANT GODIVA**
: **CHOCOLATIER, INC.'S MOTION**
: **TO DISMISS THE FIRST AMENDED**
: **CLASS ACTION COMPLAINT**

v.

GODIVA CHOCOLATIER, INC.,

:

Defendant.

:

x

PLEASE TAKE NOTICE THAT, upon the accompanying Defendant Godiva Chocolatier, Inc.’s (“Godiva”) Memorandum of Law in Support of its Motion to Dismiss the First Amended Class Action Complaint; the Declaration of Brian S. Choi in Support of Godiva Chocolatier, Inc.’s Motion to Dismiss and Request for Judicial Notice dated April 19, 2019 and the exhibits annexed thereto; Godiva’s Request for Judicial Notice; and all papers and proceedings herein, Godiva, by and through its counsel, Kasowitz Benson Torres LLP, hereby moves this Court, before the Honorable Alison J. Nathan, United States District Court for the Southern District of New York, 40 Foley Square, Courtroom 906, New York, New York 10007, for an Order dismissing all claims/allegations in the First Amended Class Action Complaint, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), with prejudice, and for such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to the Court’s memo endorsed order dated March 15, 2019 (Dkt. No. 14), Plaintiffs’ papers in opposition to Godiva’s Motion to Dismiss, if any, are due by May 20, 2019, and Godiva’s reply papers are due by June 3, 2019.

PLEASE TAKE FURTHER NOTICE THAT Godiva hereby requests oral argument
on its Motion to Dismiss.

Dated: April 19, 2019
New York, New York

KASOWITZ BENSON TORRES LLP

By: /s/ Seth A. Moskowitz

Seth A. Moskowitz (smoskowitz@kasowitz.com)
Brian S. Choi (bchoi@kasowitz.com)
1633 Broadway
New York, New York 10019
Tel.: (212) 506-1700
Fax: (212) 506-1800

Attorneys for Defendant Godiva Chocolatier, Inc.